

ZB# 02-65

Caralex Realty

4-3-13.24

Feelin.

November 25, 2002

Public Hearing:

Dec. 9, 2002

Approved 12/9/02

APPROVED

2/20/03

#02-65- Caralex Realty

Area

4-3-13.24 /

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Caraley

FILE# 02-65

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 150.00

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ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE \$ 18.00

2ND PRELIMINARY- PER PAGE \$

3RD PRELIMINARY- PER PAGE \$

PUBLIC HEARING - PER PAGE \$ 18.00 12/9

PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: \$ 35.00

2ND PRELIM. \$

3RD PRELIM. \$

PUBLIC HEARING \$ 35.00 12/9

PUBLIC HEARING (CONT'D) \$

TOTAL \$ 70.00

MISC. CHARGES:

..... \$

TOTAL \$

LESS ESCROW DEPOSIT \$ 500.00

(ADDL. CHARGES DUE) \$

REFUND DUE TO APPLICANT .. \$ 394.00

*Paid ck # 25399
11/26/02.
Paid ck # 25400.
L.R 3/11/03*



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

March 11, 2003

Shaw Engineering
P.O. Box 2569
Newburgh, NY 12553

SUBJECT: ZBA #02-29 CARALEX - REQUEST FOR VARIANCE

Dear Mr. Shaw:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

Sent 3/11/03

**TOWN OF NEW WINDSOR
ENGINEER, PLANNING BOARD
AND ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: MARCH 11, 2003
SUBJECT: CARALEX REALTY - ZBA #02-29

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 394.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #02-29

NAME: CARALEX REALTY

ADDRESS: 463 TEMPLE HILL ROAD

NEW WINDSOR, NY 12553

THANK YOU,

MYRA

L.R. 3/11/03

-----X
In the Matter of the Application of

CARALEX REALTY

MEMORANDUM OF
DECISION GRANTING

AREA VARIANCE

CASE #02-65
-----X

WHEREAS, CARALEX REALTY , owners of vacant lot on Industrial Way, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 3 ft. Maximum Building Height to construct a warehouse in a PI zone; and

WHEREAS, a public hearing was held on the 9th day of December 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Gregory Shaw, P.E. of Shaw Engineering appeared on behalf of the Applicant for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a commercial property located in a neighborhood of commercial properties.
 - (b) The applicant proposes to build a warehouse on property adjacent to other property which it owns. The proposed warehouse will be approximately 31,750 square feet.

- (c) Although the parcel is approximately 17 acres in size, it contains a substantial area of DEC Wetlands so that there is only approximately 1.7 acres of buildable land.
- (d) The applicant seeks a 3 foot height variance so that it can construct the warehouse on the property.
- (e) The applicant proposes to add approximately .8 acres to this property from the adjacent property. If this lot line change is allowed by the Planning Board, the remaining parcel will still meet all the Town Code requirements for Zoning.
- (f) The warehouse proposed to be constructed will not be higher than other warehouses in the neighborhood.
- (g) The proposed warehouse, if constructed, will be similar in appearance to other warehouses in the neighborhood.
- (h) The water drainage from the property will sheet flow on to the neighboring land owned by the same owner, just as is the case at present. The existing flow of water will be maintained.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variances.

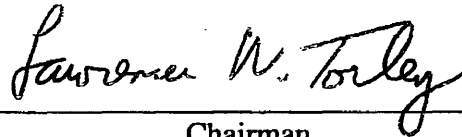
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an area variance of 3 feet Maximum Building Height to construct a warehouse on Industrial Way in a PI Zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: February 20, 2003

A handwritten signature in cursive script, reading "Lawrence W. Torley", is written over a horizontal line.

Chairman

CARALEX REALTY

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. TORLEY: Referred by Planning Board for 8' maximum building height variance for construction of a warehouse on Industrial Way. Is there anyone here for this? Is there anyone in the audience who wishes to speak on this matter? Let the record show there is none.

MS. MASON: For the record, on November 26, 11 envelopes went out containing the notice of public hearing.

MR. SHAW: Thank you. For the record, my name is Greg Shaw, I'm with Shaw Engineering and tonight I'm representing Caralex Realty. The first plan I have before you is a lot line change plan which is presently before the planning board. The reason I introduced this application is that in order to try and maximize the maximum amount of area buildable for the subject lot, we have a lot line change where we're taking approximately 8/10 from an adjoining parcel owned by Caralex Realty and adding it to the parcel that's before you tonight for the subject variance. Very simply, while it's a relatively large parcel, about 17 acres in size, and is very heavily inundated with New York State DEC wetlands, so what happens is we end up with a very small buildable area that we're proposing to construct the warehouse building and again, in order to try and maximize that, we have brought 8/10 of an acre from an adjacent parcel and added to the parcel that's under your review. That's the first drawing that I have presented before you. The second drawing is going to be the site plan which is again also before the planning board and again this is what we were asking the variance application for. We're proposing to construct a warehouse building of 31,750 square feet, and while I said the parcel is about 17 acres in size, we really only end up with about maybe 1.7 acres of buildable land. You'll see this line running through here which is the New York State DEC wetlands and over that is a hundred foot buffer area so really

the limited area that we can develop is this dashed line until we get to the property to the south. All other aspects of the site plan conform to the zoning ordinance, parking spaces, setbacks, et cetera. What we're asking for is a three foot high variance. I know the application states 8. At the preliminary meeting, I stated that we went back and we revisited the building height issue and the application that's before you is requesting only a three foot high variance. Again, the building is going to have a maximum height of 25 feet and we're 22 feet from the nearest building line allowing us to go a maximum height of 22 feet, therefore, 25 minus 22 is 3 feet and that's the request for the variance. I may point out that Caralex Realty owns this parcel which is before you, Caralex Realty also owns the parcel to the east of it and again, it's from this parcel that brings 8/10 of an acre over to here. Caralex Realty owns this parcel also which is immediately to the north and Verla International which Caralex Realty is the real estate arm of Verla International owns this parcel. So basically, all of Industrial Drive and the buildings that are on it are owned by Caralex Realty or Verla International for all intents and purposes are one in the same. So again, a three foot variance, not an eight foot variance and if we are to get a variance from the zoning board of appeals then we'd be returning to the planning board to resume our site plan approval process and a lot line change application.

MR. TORLEY: In making that lot line change, the lot from which you're taking the area still meets all the zoning code requirements?

MR. SHAW: Yes, otherwise the planning board won't allow it.

MR. TORLEY: Just wanted to make sure it's on the record.

MR. KANE: The building height itself is not going to be higher than any other buildings in that area?

MR. SHAW: No, that question was asked at the last meeting. Before the meeting I got here a little early

and I took a ride down Industrial Way, just to take a look at them and from the best that I can ascertain, this building looks like it's about 24 feet in height to the ridge line, this building looks like it's a round 28 feet high, so we're really asking for 23 feet here so we're going to be the smallest of the three buildings, assuming we do get the variance that we're requesting.

MR. KANE: So you're keeping the same character?

MR. SHAW: Probably all three are going to be identical, again, they're just pure warehouse, there's very few employees in the buildings. Again, they supplement Verla International's operation, which is out on Temple Hill Road, they just need these buildings for bulk storage.

MR. KANE: You're going to create any water hazards whatsoever in the building of this?

MR. SHAW: We're going to be generating impervious area and where we're going to take the storm water and letting it flow by sheet flow over the lands of Caralex Realty and they have to own between this parking lot and the Silver Stream a thousand feet of land and the water's just going to flow over land and eventually end up in the Silver Stream, which is a very large watershed area. So nobody's really going to be impacted by the creation of the impervious surfaces because it's going to remain on the lands of Caralex for a long way.

MR. KRIEGER: That's where it flows now?

MR. SHAW: Yes.

MR. KANE: So you're going to maintain the existing flow of water?

MR. SHAW: Yes.

MR. TORLEY: You mentioned that you're beyond the 100 foot DEC buffer limit?

MR. SHAW: Correct, we have not gone into the buffer area with any construction or regrading, we have gone up to the buffer area. It's unfortunate, it's a large parcel but the majority of it, 90 percent of it is wetlands and to make it work, we had to bring 8/10 of an acre over from another piece.

MR. TORLEY: Gentlemen, any other questions?

MR. REIS: Accept a motion?

MR. TORLEY: Yes, sir.

MR. REIS: I make a motion that we pass Caralex Realty's request for their variance of a three foot building height in the warehouse on Industrial Way.

MR. KANE: Second the motion.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE



PROJECT: Caralex Realty

P.B.# 02-29

APPROVED: M)____S)____ VOTE: A____ N____
RIVERA _____
MCDONALD _____ CARRIED: Y____N____
REIS _____
KANE _____
TORLEY _____

CARRIED: Y_____ N_____

CARRIED: Y ☒ N ☐

[illegible]



Town of New Windsor

OFFICE OF THE PLANNING BOARD

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

555 Union Avenue
New Windsor, NY 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

Prelim: Nov. 25, 2002

#02-65

PLANNING BOARD FILE NUMBER: 02-29 DATE: 4 November 2002

APPLICANT: Caralex Realty
463 Temple Hill Road
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 17 Sept 2002
FOR (SUBDIVISION / SITE PLAN) Site Plan
LOCATED AT Industrial Way, west of Temple Hill Road

ZONE PI
DESCRIPTION OF EXISTING SITE: SEC: 4 BLOCK: 3 LOT: 13.24

IS DISAPPROVED ON THE FOLLOWING GROUNDS:
Height Variance Required for proposed building

Michael Babcock
MICHAEL BABCOCK
BUILDING INSPECTOR

ZONE	REQUIREMENTS			PROPOSED OR AVAILABLE		VARIANCE REQUEST	
	P.I.	USE	A - 5				
MIN. LOT AREA			40000 S.F.	811087	S.F.	-	S.F.
MIN. LOT WIDTH			150 FT.	280	FT.	-	FT.
REQ'D FRONT YD.			50 FT.	57	FT.	-	FT.
SECOND FRONT YD.			FT.		FT.	-	FT.
REQ'D SIDE YD.			15 FT.	22	FT.	-	FT.
REQ'D TOTAL SIDE YD.			40 FT.	61	FT.	-	FT.
REQ'D REAR YD.			20 FT.	200	FT.	-	FT.
REQ'D FRONTAGE			NA FT.	NA	FT.	NA	FT.
MAX. BLDG. HT.			22 FT.	30 25	FT.	2 3	FT.
FLOOR AREA RATIO			0.6	0.04		-	
MIN. LIVABLE AREA			NA S.F.	NA	S.F.	NA	S.F.
DEV. COVERAGE			NA %	NA	%	NA	%
O/S PARKING SPACES			32	35		-	

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

CARALEX REALTY SITE PLAN (02-29)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: Now that I've explained how we're proposing to take 0.79 acres from one lot at Caralex and bring it into the other, we want to build something on it and this is a new warehouse building of 31,750 square feet. It's in a PI zone which requires a minimum lot area of 40,000 square feet, we're able to comply with that. We satisfy all the conditions of your zoning ordinance with respect to building height based upon 12 inches per foot to the nearest lot line, as you can see to our property to the north, we're approximately 22 feet away which would give us a maximum building height of 22 feet. We're proposing 30 feet, therefore, we need to go to the Zoning Board of Appeals and get a building height variance. So I'd be looking for the board to reject approval tonight to allow me to proceed to the ZBA for that one variance.

MR. PETRO: Couldn't move the building back any further?

MR. SHAW: No, we're pretty well located between the land to the south, the buffer line of the New York State DEC and the property line separating this parcel from the lands of Verla to the north.

MR. PETRO: Why the angle on the building, is that following the road?

MR. SHAW: The reason for the angle on the building is to maximize the size of the building. In that buildable area, we have tried other geometry and what really dictates is that we have an existing easement which runs through the property for two sanitary sewer lines, one is the 12 inch line, the other is a 30 inch line, which is the new intersector from Stewart. Because of the angle of that line in order to utilize it for the front yard setback, we have created a new lot line closest to Temple Hill Road, then our building line is parallel to that. If we were to twist it so that it was parallel to Industrial Way, and put in the

loading docks, we'd be losing building area.

MR. PETRO: What variances are you seeking, building height?

MR. SHAW: Building height and only building height.

MR. PETRO: That's the only one?

MR. SHAW: Yes.

MR. EDSALL: Are you sure that with all the wetlands subtracted that you might not need an area variance for this lot as well?

MR. SHAW: I'll have to go back and doublecheck the million dollar question. Where is the rest of the DEC wetlands line?

MR. EDSALL: In the back.

MR. SHAW: In the back and as it also wraps around this area, Mark, the wetlands line I've shown on the plan was flagged by the DEC and approved by them, we have mapping with their approval stamp on it. We did not have the entire site flagged because it wasn't germane to what we were doing.

MR. PETRO: Where is the road into this building?

MR. SHAW: This road is going to be coming down in this fashion, I will show you on the map. What we have is Industrial Way which is this white area and it crosses over this lot, what will be this lot and enter this parcel.

MR. PETRO: Existing now?

MR. SHAW: That's existing.

MR. PETRO: All right, I have it on this plan.

MR. SHAW: What we're proposing to do is to add additional pavement which is shaded and give each lot mutual right-of-ways to allow a vehicle who wants to

enter the new building into the loading area the ability to come down Industrial Way which is a town road cross over onto their property onto this lot owned by Caralex also then back into the loading area then be able to pull out.

MR. PETRO: Six spots on the side where the existing warehouse is, where is the backout for those spots, onto that pavement area which is the road?

MR. SHAW: Well, it's more than just a road, you probably have pavement width 70 feet, 75 feet in width, so I think there's more than enough room to be able to back out.

MR. PETRO: You're backing out into the flow of traffic also, correct?

MR. SHAW: No, I don't know if I would--

MR. PETRO: You're calling it backout into a parking lot. In other words, it's a big huge parking lot.

MR. SHAW: Correct.

MR. LANDER: As long as these two pieces stay under the same ownership.

MR. PETRO: And/or there's no further development to that side.

MR. SHAW: There will not be.

MR. ARGENIO: I think they're bound by wetlands.

MR. SHAW: We're finished extending Industrial Way, Industrial Way is going to end where it is. Mark had a comment at the workshop about possibly putting in the cul-de-sac to memorialize the end of the town road but I'm not going to be extended to the west at all due to the wetlands.

MR. PETRO: That's what they said about the Thruway, it was going to end in Yonkers.

MR. LANDER: But as long as these two pieces are under the same ownership, they have the right to back out here into this parking lot.

MR. SHAW: Even if they were to sell a lot to somebody else, these are going to be filed and recorded easements, all right. If you will notice on the subdivision plan, excuse me, the lot line change plan, those easements are spelled out in metes and bounds so I think even if they wanted to sell a parcel, they would have the right to access over the other lot in order to get to Industrial Way.

MR. PETRO: Mark, you haven't reviewed this entirely until it goes back?

MR. EDSALL: No, I figured you're going--

MR. PETRO: Why don't we set it up for a variance, the variance that you're seeking is how much height?

MR. SHAW: Eight feet of building height.

MR. PETRO: If for some reason you had to turn the building, obviously, you've made the building smaller that would only decrease, you're seeking a variance, if it had to be turned for some reason, the variance may not be enough. Why are you seeking only 8 feet? Why don't you go for a little bit more? I'm just thinking ahead of why ask for just that little bit unless you think that's sufficient.

MR. SHAW: Well, I think it's sufficient, plus our building is 22 feet from the property line, even though the adjacent property is owned by my client. Also, you don't want to get too close. He can live with 22 feet. I think that's appropriate.

MR. LANDER: What is it, 15 feet is that front yard?

MR. SHAW: That would be a side yard.

MR. PETRO: As you slide that building closer to the wetlands, he would gain footage, you realize that. Why didn't he do that?

MR. ARGENIO: Into the buffer zone.

MR. SHAW: Probably into the buffer zone.

MR. PETRO: Motion for final approval?

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Caralex Realty site plan on Industrial Way. And Andy, can we grant final approval even though it's only a referral to the zoning board?

MR. KRIEGER: Grant final approval for what?

MR. PETRO: Grant final approval, we're going to turn it down, obviously, to send him, grant final approval on the site plan which is built on the property, that's not part of that site plan, it's technical, but I'm just wandering if that's the right procedure.

MR. KRIEGER: That part of--

MR. PETRO: The subdivision, I mean the lot line change has not taken place yet. Follow me?

MR. KRIEGER: Yes.

MR. PETRO: We're now going to do a negative roll call, I'm going to take a negative on it, send them for their variances on property that's not part of that site yet.

MR. KRIEGER: Should be another good reason for voting a negative, just in case somebody wanted a good reason.

MR. PETRO: Procedurally does that make sense?

MR. KRIEGER: We're going to take action, other than sending him to the zoning board, it would be a good point but considering that that's the action that's contemplated going to the zoning board, it won't

prevent that.

MR. PETRO: Motion has been made and seconded. Any further discussion? Okay, roll call.

ROLL CALL

MR. ARGENIO	NO
MR. BRESNAN	NO
MR. KARNAVEZOS	NO
MR. LANDER	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been sent to the New Windsor--I'm not saying this again, I've said it so many times, you know what I'm saying. If you get lucky and get your variances, you can come back.

MR. SHAW: Thank you.

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X
In the Matter of the Application for Variance of

AFFIDAVIT OF
SERVICE
BY MAIL

Carex Realty

#02-65.

-----X
STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

Patricia A. Corsetti, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside in New Windsor, Orange County, N. Y.

That on the 26th day of November, 2002, I compared the 11 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia A. Corsetti

Sworn to before me this

26 day of November, 2005.

Claire M. Benson

Notary Public

CLAIRE M. BENSON

Notary Public, State of New York

No. 01BS0247685

Qualified in Orange County

Commission Expires August 31, 2005



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

November 13, 2002

Gregory Shaw
744 Broadway
Newburgh, NY 12550



(11)

Caralex

RE: 4-3-13.24

Dear Mr. Shaw:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's office.

Sincerely,

John McDonald (JL)

John McDonald
Acting Assessor

JM/JJL
Attachments

Cc: Pat Corsetti, ZBA

4-3-1.2
State of New York Office Of Comptroller
Bureau of Financial Adm.
C/o Colin Campbell
5th Floor A.E. Smith Bldg.
Albany, NY 12236

4-3-20
Verla International LTD
463 Temple Hill Road
New Windsor, NY 12553

4-3-2.11
HZ Development Partners
Gateway Industrial Park
27 Route 210
Stony Point, NY 10980

4-3-10.21
The Coca-Cola Bottling Co. of NY, Inc.
C/o Coca Cola Enterprises
Property Tax Dept.
PO Box 723040
Atlanta, GA 31139-0040

4-3-10.22 & 4-3-21
Caralex Realty
463 Temple Hill Rd.
New Windsor, NY 12553

4-3-10.23 & 4-3-10.24
Ganin Brothers
C/o Ganin Tire Co. Inc.
1421 38th Street
Brooklyn, NY 11212

4-3-10.3
Palisades Interstate Park Commission
Office of Comptroller, Bureau of Financial
Adm. C/o Colin Campbell
5th Floor, A.E Smith Bldg.
Albany, NY 12236

4-3-13.22
Caralex Realty
19 Industrial Way
New Windsor, NY 12553

4-3-13.25
Caralex Realty
315 Temple Hill Rd.
New Windsor, NY 12553

4-3-14
Town of New Windsor
555 Union Ave.
New Windsor, NY 12553

4-3-17.11
Senlar Associates
PO Box 1104
Newburgh, NY 12550

CARALEX REALTY

Mr. Greg Shaw of Shaw Engineering appeared before the board for this proposal.

MR. TORLEY: Referred by Planning Board for 8 ft. maximum building height variance for construction of a warehouse on Industrial Way, PI zone.

MR. SHAW: For the record, my name is Greg Shaw and I'm with Shaw Engineering tonight and I'm representing Caralex Realty. I brought two drawings with me tonight, the first one I will only spend 15 seconds on, but it shows you the lands of Caralex Realty, which is at the present termination of Industrial Way and Verla at the intersection here. And you go down Industrial Way, you have a parcel of Caralex, which is on the left, you also have a larger parcel of Caralex which is behind working its way towards Silver Stream. There's an application before the planning board for a lot line change to add acreage, about 8/10 of an acre from the most easterly parcel to the westerly parcel. It's the westerly parcel that I want to bring up the second drawing and show you the reason for this variance. But the point I wanted to make out is that we're trying to add land to this parcel that we're requesting a variance on. We also have before the Planning Board a site plan application to construct a new warehouse building 31,750 square feet on the most westerly parcel. Again, as I pointed out, we just added or we're trying to add about 8/10 of an acre to that parcel to make it more buildable, while it's quite large and it is approximately 18.6 acres, the majority of it is DEC wetlands. What we really have after we add 8/10 of an acre to it is about 1.7 acres of buildable land so it's relatively eight even though the parcel is large. What you have with this existing warehouse which is also Caralex Realty is the termination of Industrial Way into a macadam area along the side of this building and a loading area to the back. Because they are owned by the same party, what we'd like to do is construct this building, put some loading docks on the northerly side, have a shared access. The problem is is that due to the construction in this direction, we're only able to provide a side

yard setback of 22 feet, I believe, just bear with me.

MR. KANE: Yes.

MR. BABCOCK: 22.

MR. SHAW: 20 foot side yard setback.

MR. TORLEY: That narrow setback.

MR. SHAW: Correct, we're asking for a building height of 25 feet. I would like to correct Michael's rejection that was based upon the site plan that was presented to the board and his notations reflect a variance of 8 feet. What we have done is lowered the building so we're really going to be asking for a variance of 3 feet, that being we're 22 feet from the property line, we're allowed to go 22 feet high, we'd like to go 25 feet high.

MR. KRIEGER: How high is Caralex's existing building?

MR. SHAW: That I believe is around 25 to 30 feet. What happens when you get into industrial buildings, you need a minimum height under the eaves in order to store goods and that's really the minimum they can live with.

MR. KANE: Greg, the additional 3 feet is not going to make it any higher than other building in the area?

MR. SHAW: No, the only buildings in the area are owned by Caralex or Verla Industries, which is Caralex. There are no other buildings on Industrial Way. You have Silver Stream to the west so there's really no one in the neighborhood.

MR. TORLEY: Since you're going to have a common access to two separate lots, do we get any problems with that as far as roads?

MR. BABCOCK: Not in a commercial, they can share a parking lot and whatever they want to share.

MR. TORLEY: As long as they both each individual

building meets its requirements for parking area.

MR. BABCOCK: That's correct.

MR. TORLEY: The only variance you're going to need is just the building height variance?

MR. SHAW: Correct, we're not going to be sharing parking lots, we're not going to be sharing loading areas, what we need to do is to be able to have the tractor trailers which pull out of the loading area to drive on the existing pavement of the northerly parcel, still Industrial Way, that's the only common right-of-way between the two parcels.

MR. REIS: Drainage issues, all that has been taken care of?

MR. SHAW: Preliminarily, yes, we've had one meeting with the planning board to reject the application. Once we get the variance, we'll return back to the planning board and we'll be addressing the drainage and the water and sewer issues. But as far as drainage, we have plenty of wooded land which belongs to Caralex Realty before it hits Silver Stream, so there really will not be any storm drainage issues from the parking lot.

MR. TORLEY: Any regulations because it's close to DEC?

MR. BABCOCK: No.

MR. KRIEGER: There's a hundred foot buffer.

MR. SHAW: Correct, we're outside the 100 foot buffer.

MR. KRIEGER: We're asking if there's a problem, he just indicate not only you can't build on the DEC wetlands, you also cannot build within a hundred feet of the edge of the wetlands.

MR. TORLEY: And the dashed line is the edge?

MR. SHAW: Correct, this line is the actual DEC delineated line coming back a hundred feet, this dashed

line is the edge of the buffer. We can come up to the buffer but cannot encroach without a DEC permit. We're not going to be needing a permit because we're not encroaching into it.

MR. TORLEY: Any other questions?

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: I make a motion that we set up Caralex Realty for their requested variance at Industrial Way.

MR. MC DONALD: Second it.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. MCDONALD	AYE
MR. TORLEY	AYE

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

02-65

Date: Nov. 11, 2002

I. Applicant Information:

- (a) Caralex Realty, 463 Temple Hill Road, new Windsor, NY 12553
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) Gregory J. Shaw, P.E., 744 Broadway, Newburgh, NY 12550 561-3695
(Name, address and phone of contractor/engineer/architect/surveyor)

II. Application type:

☐ Use Variance
☒ Area Variance

☐ Sign Variance
☐ Interpretation

III. Property Information:

- (a) PI Vacant parcel at the present termination of Industrial Way
(Zone) (Address of Property in Question) (S-B-L) (Lot size)
- (b) What other zones lie within 500 feet? None 4-3-13.24 18.6 Ac.
- (c) Is pending sale or lease subject to ZBA approval of this Application? No
- (d) When was property purchased by present owner? 1985
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No. If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? No

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

(Describe proposal) _____

(b) The legal standard for a "Use" Variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area Variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Bulk Regulation Regs., Col. I.

Requirements	Proposed or Available	Variance Request
Min. Lot Area	811,087 SF	
Min. Lot Width	280 FT	
Reqd. Front Yd.	57 FT	
Reqd. Side Yd.	22 FT	
Reqd. Rear Yd.	> 200 FT	
Reqd. Street Frontage*		
Max. Bldg. Hgt.	25 FT	3 FT
Min. Floor Area*		
Dev. Coverage*		
Floor Area Ratio**	.04	
Parking Area	35 Spaces	

* Residential Districts only

** Non-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe

why you believe the ZBA should grant your application for an area variance:

See Attached Narrative

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

- (b) Describe in detail the sign (s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and free-standing signs? _____.

VII. Interpretation.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____.

- (b) Describe in detail the proposal before the Board:

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- X Copy of referral from Bldg./Zoning Inspector or Planning Board.
- X Copy of tax map showing adjacent properties.
- X Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- X Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- NA Copy(ies) of sign(s) with dimensions and location.
- X Two (2) checks, one in the amount of \$ 150 and the second check in the amount of \$ 500, each payable to the TOWN OF NEW WINDSOR.
- Photographs of existing premises from several angles.

X. Affidavit.

Date: Nov. 11, 2002

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

[Signature]
(Applicant)

Sworn to before me this

11 day of November, 2002

XI. ZBA Action:

(a) Public Hearing date:

April Thornton
Notary Public, State of New York
Registration #01TH6041293
Qualified In Orange County
My Commission Expires May 8, 2002

Caralex Realty
November 11, 2002

Caralex Realty owns an 18.6 acre parcel of land located at the termination of Industrial Way which is accessed from Temple Hill Road. The subject parcel is within the Planned Industrial (PI) Zoning District. Caralex Realty has a Site Plan Application before the New Windsor Planning Board to construct a 31,750 SF building for a warehouse which is a permitted use within the Planned Industrial Zone. Associated site improvements will consist of a loading area and 3 parking areas totaling 35 parking spaces. A large portion of the property along the westerly border is NYSDEC Freshwater Wetlands while the abutting parcel to the east is also owned by Caralex Realty.

A Lot Line Change Application of Caralex Realty is also before the Planning Board to add 0.79 acres to the subject parcel. The transfer of this land between parcels is necessary due to the limited area available for development as a result of the narrowness of the lot and the presence of NYSDEC Wetlands.

New Windsor's Zoning Ordinance limits the Maximum Building Height of a structure in the PI Zone to 12 inches for every foot of distance from the nearest lot line. As the new building is only 22 feet from the north lot line, the maximum building height permitted by zoning is 22 feet. The height of new building for Caralex Realty is 25 feet, thus requiring a 3 foot Variance.

The justification of the Variance request is based upon the limited area available for development. The combination parcel's narrowness and the Wetlands result in a buildable area of only 1.89 acres, and this is after the Lot Line Change transferring the 0.79 acres. It is because of this limited buildable area that the new building is only 22 feet from the nearest lot line. The Variance could be eliminated if the building was reduced in size to provide a distance of 25 feet to the nearest lot line. The reduction in building size is substantial when considering that this will be the only building permitted on the parcel due to the above reasons.

The granting of the Variance is not substantial when considering the normal height of warehouse building in the PI Zone. The granting of the Variance is not detrimental to the health, safety, or welfare of the neighborhood since the property is located in the Planned Industrial Zone, and is a permitted use. The granting of the Variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district. The granting of the Variance will not produce an undesirable change in the neighborhood or be a detriment to adjoining properties.

There is no other method that Caralex Realty can feasibly pursue other than the Variance sought in this Application. In view of all the facts and circumstances presented to this Board, the Applicant respectfully requests that the Variance sought be granted.

PROXY AFFIDAVIT

SUBMISSION OF APPLICATION FOR VARIANCE # 02-65

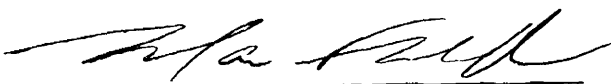
ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF)
) SS.:
COUNTY OF)


Mario Mafei, being duly sworn, deposes
and says: I am the President of Caralex Realty,
the record owner of
a certain parcel of land within the TOWN OF NEW WINDSOR
designated as tax map SECTION 4 BLOCK 3 LOT 13.24
I HEREBY AUTHORIZE Gregory J. Shaw, P.E. of
Shaw Engineering (company name)
to make an application before the ZONING BOARD OF APPEALS as
described in the within application.

Dated: Nov. 11, 2002.


(Signature of Corporate Officer)
Title: _____

Sworn to before me this

11 day of November, 2002.


Notary Public

(ZBA DISK#1-012996.CP)

April Thornton
Notary Public, State of New York
Registration #01TH6041293
Qualified in Orange County
My Commission Expires May 8, 2006

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 02-65

Request of Caralex Realty

for a VARIANCE of the Zoning Local Law to Permit:

the construction of a 31, 750 SF warehouse building.

The requested Variance is for a building height of 3 feet.

being a VARIANCE of Section 48-12 Table of Bulk Regulations Column I

for property situated as follows:

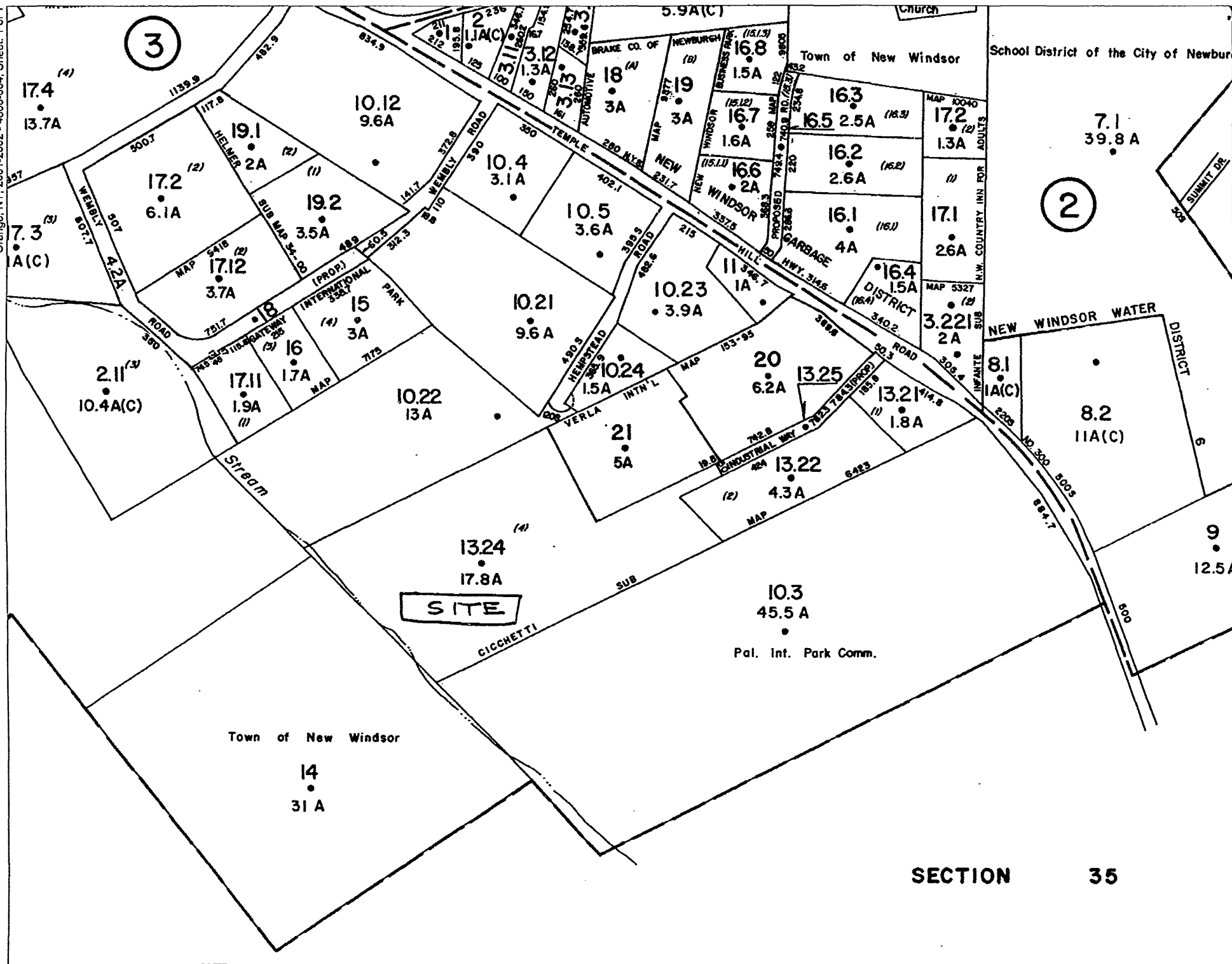
18.6 acre parcel at the present termination of Industrial Way

known and designated as tax map Section 4, **Blk.** 3 **Lot** 13.24

PUBLIC HEARING will take place on the 9th **day of** December, **20** 02 **at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.**

Lawrence Torley

Chairman



CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ON

NW-363

157553

THIS INDENTURE, made the 25th day of June, nineteen hundred and eighty-five
BETWEEN THE FIRST NATIONAL BANK OF HIGHLAND, a banking institution
organized and existing under the laws of the United States of America,
with offices at 54 Milton Avenue, Highland, New York 12528,

party of the first part, and

CARALEX REALTY, ^{A PARTIAL SHIP} with offices at P.O. Box 2562, Newburgh, New York 12

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, and

being more accurately bounded and described as follows:

13.27
4-3-13.21-2.2
13.24+2.5

BEGINNING at a point on the westerly right-of-way line of Temple Hill Road, said point of beginning being the northeasterly corner of lands of Palisades Park Commission; thence from said point of beginning and passing over an iron rod at 22.86' and a 2X2 stake on line, N 89 degrees 23' 20" W 2,330.39' to a point in the line of lands of the Town of New Windsor; thence on a line which follows for most part along lands of the Town of New Windsor and further continuing along the line of lands of the State of New York, N 16 degrees 19' 20" W 732.76' to a point, said point being the southwesterly corner of lands of York; thence along the line of lands of York and further continuing along the line of lands of Liss, S 89 degrees 23' 30" E 1,572.47' to a point; said point being the northeasterly corner of lands as described in Liber 2088, Page 336, of Deeds, filed in the Orange County Clerk's Office; thence along the line of said parcel of the following three courses and distances: S 6 degrees 00' 35" E 417.95' to a point on the northerly side of a 50' wide right-of-way; thence continuing along the northerly line of the 50' wide right-of-way on the following courses and distances: S 89 degrees 23' 30" E 365.50' to an angle point; thence N 71 degrees 25' 37" E 346.14' to a point on the westerly right-of-way line of Temple Hill Road; thence along the westerly line of Temple Hill Road on the remaining courses and distances: S 25 degrees 05' 30" E 204.38' to an angle point; thence S 40 degrees 21' 30" E 143.74' to an angle point; thence S 23 degrees 30' 20" E 117.02' to the point of beginning.

SUBJECT to all easements of record.

BEING the same premises conveyed by O. Edward Cicchetti to The First National Bank of Highland by deed dated March 7, 1984 and recorded in the Orange County Clerk's office on March 9, 1984 in Liber 2277 of Deeds at page 973.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

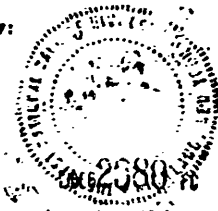
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



THE FIRST NATIONAL BANK OF HIGHLAND

BY: Paul D. Randall
PAUL D. RANDALL, Vice President

ZBA# 02-65

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#1122-2002**

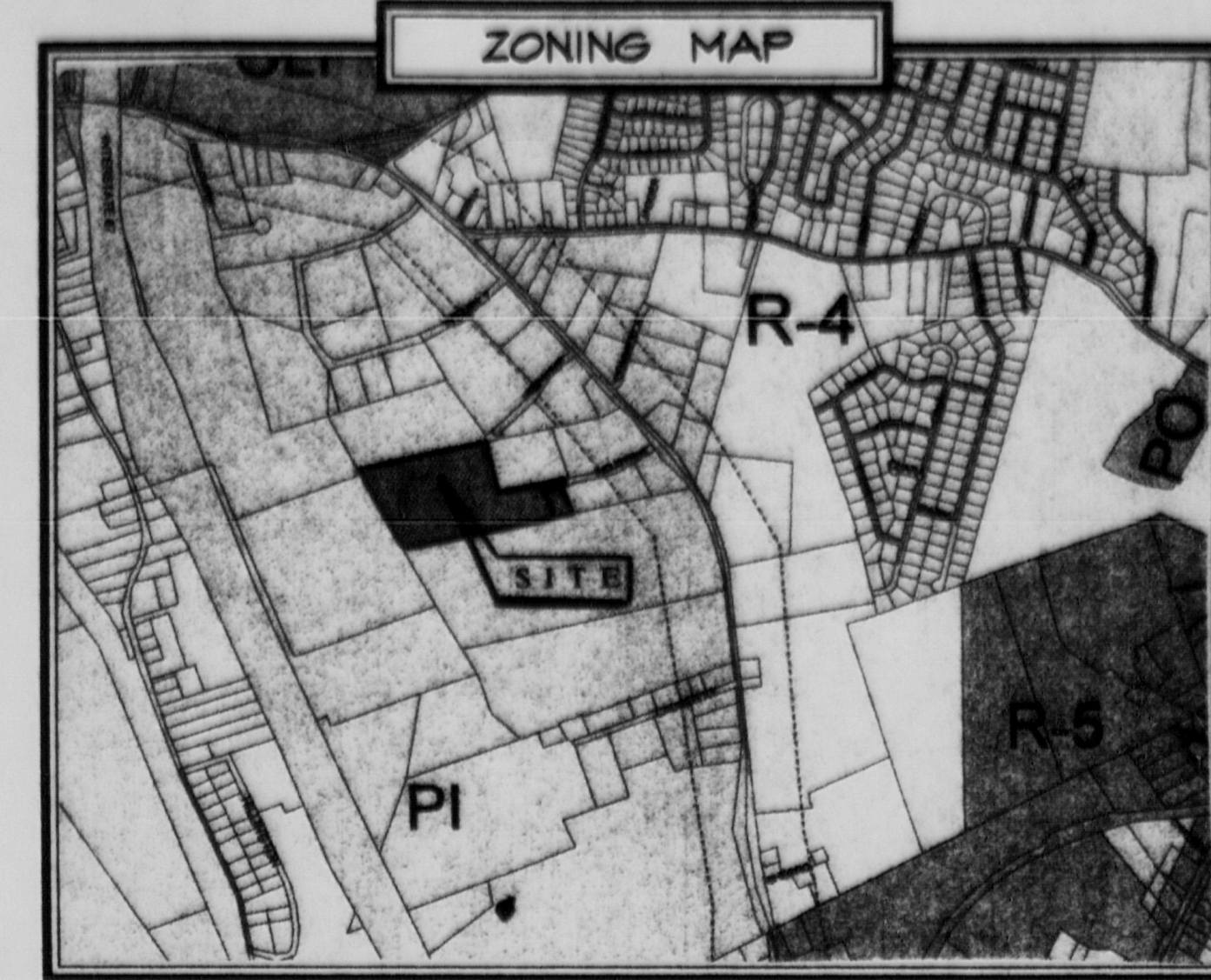
11/26/2002

Verla International Ltd.

**Received \$ 500.00 for Zoning Board Fees, on 11/26/2002. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**



LEGEND	
EXISTING	NEW
2' CONTOUR	FINISHED GRADE
10' CONTOUR	VALLEY SHALE
BOUNDARY	RETAINING WALL
ADJ. PROPERTY LINE	MACADAM PAVEMENT
SANITARY MANHOLE	WOODED LINE
HYDRANT	
UTILITY POLE	
WATER MAIN	
SANITARY SEWER	
STONEWALL	
WOODED LINE	

ZONING SCHEDULE		
ZONE: P1 PLANNED INDUSTRIAL		
BULK REGULATIONS OF P1 ZONE - USE: A-5 - ASSEMBLY OR PACKAGING OF PRODUCTS FROM PREVIOUSLY PREPARED MATERIALS, INCLUDING CLOTH, PLASTIC, PAPER, LEATHER AND PRECIOUS OR SEMIPRECIOUS STONES.		
BULK REGULATIONS: P1 ZONE	A-5 REQUIRED	PROVIDED
MIN. LOT AREA	40,000 S.F.	31,087 S.F.
MIN. LOT WIDTH	150 FT.	280 FT.
MIN. FRONT YARD DEPTH	50 FT.	51 FT.
MIN. SIDE YARD - ONE	15 FT.	22 FT.
MIN. SIDE YARD - BOTH	40 FT.	61 FT.
MIN. REAR YARD DEPTH	20 FT.	> 200 FT.
MIN. STREET FRONTAGE	N/A	-
MAX. BUILDING HEIGHT (12' / FT. OF DISTANCE TO NEAREST LOT LINE)	22 FT.	30 FT. *
MAX. FLOOR AREA RATIO	0.60	0.04
DEVELOPMENT COVERAGE	N/A	-
OFF-STREET PARKING	REQUIRED	PROVIDED
WAREHOUSE		
1 SPACE FOR EACH 2 EMPLOYEES IN THE MAXIMUM WORK SHIFT OR EVERY 1,000 S.F. OF FLOOR AREA, WHICHEVER IS GREATER (31,750 S.F. / 1,000 S.F. PER SPACE)	32 SPACES	35 SPACES
COVERAGES		
BUILDING COVERAGE % OF TOTAL AREA	31,750 S.F. 3.4 %	
PAVEMENT COVERAGE % OF TOTAL AREA	27,751 S.F. 3.4 %	
OPEN SPACE COVERAGE % OF TOTAL AREA	75,506 S.F. 42.1 %	
* DENOTES THAT A ZONING VARIANCE WILL BE REQUIRED FROM THE NEW WINDSOR ZONING BOARD OF APPEALS.		

- NOTES**
- ZONING DISTRICT: P1 PLANNED INDUSTRIAL
 - RECORD OWNER & APPLICANT: CARALEX REALTY 468 TEMPLE HILL ROAD NEW WINDSOR, NEW YORK 12553
 - TOTAL PARCEL AREA: 10.621 ACRES
 - TAX MAP DESIGNATION: SECTION 4, BLOCK 3, LOT 13.24
 - THE LOCATIONS OF EXISTING UTILITIES ARE TO BE CONSIDERED AS APPROX. PRIOR TO EXCAVATION THE CONTRACTOR SHALL VERIFY THEIR LOCATIONS.
 - BOUNDARY, PLANIMETRIC AND TOPOGRAPHIC SURVEY INFORMATION OBTAINED BY GREVAS & HILDRETH, P.C., LAND SURVEYORS.
 - UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION (U.F.P.O.) SECTION 118B OF THE PUBLIC SERVICE LAW ARTICLE 36 OF THE GENERAL BUSINESS LAW AND INDUSTRIAL CODE RULE 59 REQUIRES (2) WORKING DAYS NOTICE BEFORE EXCAVATION, DRILLING OR BLASTING UNDERGROUND UTILITIES CALL CENTER TEL. NO. 1-800-462-7462. CONTRACTOR SHALL PROTECT AND PRESERVE UTILITY MARKINGS.
 - WHERE REQUIRED, BACKFLOW PREVENTION DEVICES SHALL BE PROVIDED ON THE WATER SERVICE LINES IN ACCORDANCE WITH THE LATEST EDITION OF N.Y.S. DEPT. OF HEALTH PUBLICATION "CROSS CONNECTION CONTROL". BACKFLOW PREVENTION DEVICES SHALL BE DESIGNED BY A LICENSED PROFESSIONAL ENGINEER.
 - SIZE OF SPRINKLER LINE MAY INCREASE / DECREASE SUBJECT TO DETERMINATION BY SPRINKLER CONTRACTOR.

Shaw Engineering
Consulting Engineers
744 Broadway Newburgh N.Y. 12550

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ISSUE	REVISION	DATE

Drawn By: J.R.J.
Checked By: G.J.S.
Scale: 1"=30'
Date: 9-18-2000

SITE PLAN
Project: NEW BUILDING FOR CARALEX REALTY
INDUSTRIAL WAY TOWN OF NEW WINDSOR, N.Y.

RECEIVED TOWN OF NEW WINDSOR SEP 20 2002
ENGINEER & PLANNING
Project No. 0207